

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

JANE DOE on behalf of herself and her minor child; JANE BOE, Sr. on behalf of herself and her minor child; JOHN COE, Sr. and JANE COE, Sr. on behalf of themselves and their minor children; JOHN FOE, Sr. on behalf of himself and his minor child; JANE GOE, Sr. on behalf of herself and her minor child; JANE LOE on behalf of herself and her medically fragile child; JANE JOE on behalf of herself and her medically fragile child; CHILDRENS HEALTH DEFENSE, and all others similarly situated,

Plaintiffs,

vs.

HOWARD ZUCKER, in his official capacity as Commissioner of Health for the State of New York, ELIZABETH RAUSCH-PHUNG, M.D., in her official capacity as Director of the Bureau of Immunizations at the New York State Department of Health, the NEW YORK STATE DEPARTMENT OF HEALTH; CHERYL PEDISICH, acting in her official capacity as Superintendent, Three Village Central School District; THREE VILLAGE CENTRAL SCHOOL DISTRICT; CORRINE KEANE, acting in her official capacity as Principal, Paul J. Gelinis Jr. High School, Three Village Central School District; LANSING CENTRAL SCHOOL DISTRICT; CHRIS PETTOGRASSO, acting in her official capacity as Superintendent, CHRISTINE REBER, acting in her official capacity as Principal, Lansing Middle School, Lansing Elementary School,

Civil Action No.:

**MOTION FOR LEAVE TO PROCEED BY  
PSEUDONYM AND FOR PROTECTIVE  
ORDER – MEMORANDUM OF LAW  
AND PROPOSED ORDER**

MOTION FOR LEAVE TO PROCEED BY PSEUDONYM AND FOR PROTECTIVE ORDER --  
MEMORANDUM OF LAW AND PROPOSED ORDER - 13

1  
2 LORI WHITEMAN, acting in her official  
3 capacity as principal, Lansing Central School  
4 District; LORI WHITEMAN acting in her  
5 official capacity as Principal of Lansing  
6 Elementary School; CHRISTINE REBERA  
7 acting in her official capacity Principal of  
8 Lansing Middle School; PENFIELD  
9 CENTRAL SCHOOL DISTRICT; DR.  
10 THOMAS PUTNAM, acting in his official  
11 capacity as Superintendent, Penfield Central  
12 School District; SOUTH HUNTINGTON  
13 SCHOOL DISTRICT; DR. DAVID P.  
14 BENNARDO, acting in his official capacity as  
15 Superintendent, South Huntington School  
16 District; BR. DAVID MIGLIORINO, acting in  
17 his official capacity as Principal, St. Anthony's  
18 High School, South Huntington School District;  
19 ITHACA CITY SCHOOL DISTRICT; DR.  
20 LUELLE BROWN, acting in his official  
21 capacity as Superintendent, Ithaca City School  
22 District; SUSAN ESBASCH, acting in her  
23 official capacity as President, Beverly J. Martin  
24 Elementary School, Ithaca City School District;  
25 SHENENDEHOWA CENTRAL SCHOOL  
DISTRICT; DR. L. OLIVER ROBINSON,  
acting in his official capacity as Superintendent,  
Shenendehowa School District; SEAN GNAT,  
acting in his official capacity as Principal, Koda  
Middle School, Shenendehowa Central School  
District; ANDREW HILLS, acting in his  
official capacity as Principal, Arongen  
Elementary School, Shenendehowa Central  
School District; COXSACKIE-ATHENS  
SCHOOL DISTRICT; RANDALL SQUIER,  
Superintendent, acting in his official capacity as  
Superintendent, FREYA MERCER, acting in  
her official capacity as Principal, Coxsackie-  
Athens High School, Coxsackie-Athens School  
District; ALBANY CITY SCHOOL

26 MOTION FOR LEAVE TO PROCEED BY PSEUDONYM AND FOR PROTECTIVE ORDER --  
27 MEMORANDUM OF LAW AND PROPOSED ORDER - 14  
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2 DISTRICT; KAWEEEDA G. ADAMS, acting in  
3 her official capacity as Superintendent, Albany  
4 City School District; MICHAEL PAOLINO,  
5 acting in his official capacity as Principal,  
6 William J. Hackett Middle School, Albany City  
7 School District; and all others similarly situated

8 .Defendants.

9 **ORDER**

10 Upon consideration of plaintiff's Motion for Permission to Proceed in Pseudonym and  
11 for Protective Order, and defendants' response thereto, it is hereby **ORDERED** that said  
12 Motion is **GRANTED. IT IS FURTHER ORDERED** that:

- 13 1. The Doe Plaintiffs may proceed in pseudonym and the docket shall continue to  
14 reflect plaintiff's names as indicated in the caption.
- 15 2. Plaintiffs will be referred to by their pseudonyms in all depositions, pleadings and  
16 other documents related to this litigation, and the plaintiff shall be allowed to endorse  
17 documents related to this litigation using the same pseudonyms.
- 18 3. The identity of Jane Doe et al and their addresses shall be available to the attorneys of  
19 record and in-house counsel for the defendants, who shall not disclose or permit  
20 disclosure thereof, except to the following persons:
- 21 a. Their law partners, associates and persons employed in the law offices of  
22 such attorneys, and other in-house counsel;
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26 MOTION FOR LEAVE TO PROCEED BY PSEUDONYM AND FOR PROTECTIVE ORDER -  
27 MEMORANDUM OF LAW AND PROPOSED ORDER - 15  
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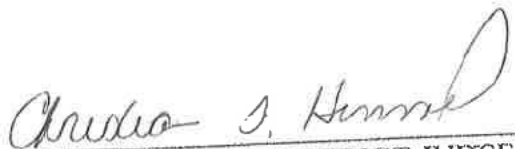
- b. The employees of defendant who have knowledge of the facts alleged in the Amended Complaint;
  - c. *Bona fide* outside experts and their employees, not on the staff of any party, consulted by such attorneys in the prosecution or defense of the claims herein;
  - d. A person whose deposition is to be taken in this action, but only to the extent necessary for the deposition; and
  - e. Any person who potentially possesses information that is relevant to plaintiff's claims or defendant's defense.
4. Each person to whom the identity of Jane Doe et al is to be disclosed pursuant to this Order, shall agree in advance:
  - a. That he or she will not disclose the identity of the protected party to any person not entitled to know his/her identity under this Order; and
  - b. That he or she will not use the identity of the protected party except in connection with the prosecution or defense of the claims herein.
5. In the event defendant believes it is necessary in the defense of the claims herein to disclose the identity of a protected party to persons other than those specified in this Order, defendant shall communicate with plaintiff's counsel and if agreement cannot be reached in writing, the matter shall be determined by the Court.
6. Attendance at any part of any deposition of which the identity of a protected party is disclosed shall be limited to those to whom disclosure of such information can be

made pursuant to this Order, and only after they have complied with the terms of this Order.

7. In all proceedings held before this Court, including trial, all counsel, witnesses, and court personnel present shall refer to plaintiff by his/her pseudonym.
8. In all proceedings held before this Court, including trial, plaintiff's photograph shall not be taken by members of the media and plaintiff's picture shall not be drawn by the courtroom artists.
9. The terms of this Order shall remain in effect until further Order of this Court.

**AND IT IS SO ORDERED**

Dated: October 7, 2020

  
UNITED STATES DISTRICT JUDGE  
MAGISTRATE